IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7847 of 2005

Between:

Ismail Reddy, S/o R. Siva Ram Reddy,
R/o Plot No. 207, Padmashali Arcade, Near Sri Shiridi Saibabanagar, Sainathapuram,
A.S. Rao Nagar, Hyderabad.

..... PETITIONER

AND

The Divisional Railway Manager (Works), Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus holding that the action of the respondent in not postponing tender No. 260 to 264/DRM/Works/HYB/LT dated 15-3-2005 to some other date or cancellation is unreasonable, arbitrary and illegal and consequentially permit the petitioner to participate in the tender schedule for item No. Nos. 261, 262 and 264.

Counsel for the Petitioner:MR.M.SREERAMULU REDDY

Counsel for the Respondent: MR.VIJAYA BHASKAR MOOLA

The Court, at the stage of admission, made the following :

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ORDER:

I have heard the learned counsel for the petitioner and perused the material on record.

The petitioner states that in pursuance of the tender notice dated 15.03.2005 issued by the respondent, he has purchased the tender forms on 31.03.2005. As per the tender notice, the last date for receipt of the sealed tender was 04.04.2005. It is alleged that on 02.04.2005 some of the contractors, who formed into a syndicate along with rowdy sheeters, came to the house of the petitioner, manhandled him and have taken away the tender forms from him. Consequently, the petitioner was unable to participate in the tender and therefore, he approached the General Manager of the South Central Railway and sought for extension of time for submitting the tenders. However, his request was not considered and the extension of time was not granted. Hence this writ petition seeking a writ of Mandamus holding that the action of the respondent in not postponing the tenders invited under the tender notice dated 15.03.2005 is arbitrary and illegal.

At the outset, it is to be noted that all the allegations made by the petitioner are pure questions of fact, which cannot be enquired into and adjudicated by this Court while exercising the jurisdiction under Article 226 of the Constitution of India. That apart, admittedly the tenders were already opened on 04.04.2005 as per the tender schedule. Hence I do not see any justifiable reason to entertain this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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08.04.2005

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To

1) The Divisional Railway Manager (Works), Hyderabad.

2) Two CD copies